

REMARKS

Claims 1-5, 7-11, 13-20, 24 and 25 are currently pending in the present application. Applicants note with appreciation the allowance of claims 1-5, 7-11, 13 and 15-20. The Examiner has rejected claims 14, 24 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Mishima (US 6326539) in view of Por Paul (US 6297438). Applicants herewith submit a request for continued examination with this Amendment as the required submission. With entry of this Amendment, Applicants amend claims 14 and 24 and cancel claim 25. Reexamination and reconsideration are respectfully requested.

Claim 14, as amended, is directed to a stick-shaped operation terminal having a strain sensor at one end portion. The strain sensor detects the amount of displacement of the end portion when it strikes an object. Another end portion of the operation terminal has a transmission section for transmitting information indicative of the displacement amount to a tone signal generation device. The tone signal generation device generates a tone based on the transmitted information. In this manner, tone control can be linked to the intensity of the strike. Furthermore, the placement of the transmission section at another end from the contact end prevents the impact from the strike or hit from affecting transmission.

Claim 24 is directed to a tone signal generation system and has been similarly amended.

The cited reference Mishima discloses a piezoelectric sensor provided on a drum pad. As the Examiner indicated in the Advisory Action, Fig. 16 shows a stick or baton striking the drum pad. The stick of Mishima, however, is a garden variety drum stick. It does not have strain sensor nor a transmission section provided at an end different from the contact end.

The other cited reference, Por Paul, does not make up for the deficiencies of Mishima. As discussed in the Reply After Final, the baton of Por Paul has a pendulum sensor that detects the baton's movement in differing directions. Because it is not a contact baton, it does not have a strain sensor for detecting the amount of displacement at one end. Nor does it have a

transmission section at another end for transmitting to a tone signal generation device. Fig. 2, in fact, illustrates that the baton has batteries 18 at the hand-held end.

Accordingly, Applicants respectfully submit that the claims 14 and 24 are not obvious in view of Mishima and Por Paul.

In view of the foregoing, Applicants respectfully submit that claims 1-5, 7-11, 13-20 and 24 are in condition for allowance. If the Examiner feels that it would advance the prosecution of the application, it is respectfully requested that the Examiner telephone the undersigned attorney.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 393032027920.

Dated: March 31, 2004

By:

Respectfully submitted,



Mehran Arjomand
Registration No. 48,231

Morrison & Foerster LLP
555 West Fifth Street, Suite 3500
Los Angeles, California 90013-1024
Telephone: (213) 892-5630
Facsimile: (213) 892-5454